

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CNX GAS CORPORATION, and  
CNX GAS COMPANY LLC  
Plaintiffs,

v.

05cv1574  
ELECTRONICALLY FILED

CDX GAS, LLC,  
Defendant,

v.

CONSOL ENERGY, INC.,  
Counter-Defendant.

**Verdict Slip**

1. Do you find that Consol Energy, Inc./CNX Gas Corporation have proven by clear and convincing evidence that the claimed invention was in public use (in a manner that was not primarily an experimental use) in the United States prior to November 20, 1997?

Yes \_\_\_\_\_ No \_\_\_\_\_

NOTE: A "Yes" answer is a finding for Consol. A "No" answer is a finding for CDX.

2. Do you find that Consol Energy, Inc./CNX Gas Corporation have proven by clear and convincing evidence that the claimed invention worked for its intended purpose (i.e. reduced to practice) prior to November 20, 1997.

Yes \_\_\_\_\_ No \_\_\_\_\_

NOTE: A "Yes" answer is a finding for Consol. A "No" answer is a finding for CDX.

**SO SAID BY ALL.**

Dated: \_\_\_\_\_

Signed by all jurors:

\_\_\_\_\_  
Jury Foreman

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